

**Notice of Allowability**

Application No.

10/665,664

Examiner

Irina S. Zemel

Applicant(s)

JERNIGAN ET AL.

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1711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-30-2007.
2. ☒ The allowed claim(s) is/are 65-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>7/30/07; 1/17/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                           | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: Please substitute the Abstract with the following ABSTRACT (in one paragraph):

--A process for thermally crystallizing a polyester polymer by introducing pellets into a liquid medium having a temperature of at least 140° C within a liquid medium zone and crystallizing the submerged pellets at or above the vapor pressure of the liquid medium without increasing the molecular weight of the pellets, and while the pressure on at least a portion of the pellets is equal to or greater than the vapor pressure of the liquid medium, separating at least a portion of said pellets and at least a portion of the liquid medium from each other. The crystallization is desirably conducted in the liquid medium zone without mechanically induced agitation. Optionally, the pellets are formed by an underfluid pelletizer. There is also provided a process for thermally crystallizing solid pellets in a pipe by directing a flow of solid pellets in a liquid medium through a pipe having an aspect ratio L/D of at least 50:1, wherein the solid pellets are crystallized in the pipe at a liquid medium temperature greater than the  $T_g$  of the polyester polymer.

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### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The examiner considered the submitted IDS and is still of the opinion that none of the references of record disclose the claimed process conducted in the claimed apparatus with the L/D ratio of at least 15:1, which was **the reason** for allowing the claims of the instant application. The examiner acknowledges the submitted references, i.e., the Office Actions from related applications, and notes that issues regarding related allowed application 10/986,129 were resolved during the prosecution of the instant application. It is further noted that the JP reference cited as the most pertinent prior art in the Office action dated 9-22-2004 in the 10/986,129 application does not disclose pipes with the specified L/D ratio. The Office action in related abandoned application 10/683,522 cites US Patent 5,532,335 as the most relevant prior art, which was cited and considered in the instant application. It is noted That the US Patent 5,532,225 discloses a process similar to the claimed process that is conducted in a pipe-like apparatus, namely Strong Scott "Continuator" or Solidare "Dryer". The examiner is not aware of existing models that satisfy the claimed L/D ratio. Attached are CONTINUATOR Brochure, Strong Scott Division of Berwind Process Equipment Company, Predecessor of Hosokawa Bepex Corporation and SOLIDAIRE Brochure, Bepex Division of Berwind Corporation, Predecessor of Hosokawa Bepex Corporation with specification of all existing models (at least at the time '335 Patent was issued). None of the listed equipment satisfies the claimed L/D/ Ratio (max ratio is about 10).

Should applicants be aware of specific teachings in any of the references available to applicants of a polyester crystallization process that takes place above  $T_g$  of polyester in an apparatus that has the claimed L/D parameters or any apparatus suitable for such process, the applicants are respectfully REQUESTED to provide such relevant information and specifically point out relevant portions of submitted documents. Should the applicants have any specific concerns of the disclosure of the prior art cited regarding the patentability of the instant claims, the applicants are also REQUESTED to provide concise explanation of relevancy of the submitted document which appear to have been considered before during the examination of the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina S. Zemel whose telephone number is (571)272-0577. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ISZ

Irina S. Zemel  
Primary Examiner  
Art Unit 1711

